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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/904,981 | 07/12/2001 | Feng Gao | CHRT-99203.DIV | 3778 |

7590 10/03/2003

WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

ROSE, ROBERT A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3723

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/904,981

Applicant(s)
Feng

Examiner
Robert Rose

Art Unit
3723



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 12, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-39 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. Receipt is acknowledged of Applicant's Preliminary Amendment, filed July 12, 2001.
2. Claims 1-28 have been canceled.
3. In a telephone interview between applicant's attorney, Mr. John P. Wagner, Jr. and Examiner Trung Dang on July 25, 2002, it was brought to the attorney's attention that claims 28-32 were method claims depending from canceled claim 22. Mr. Wagner confirmed that applicant intended to cancel all method claims leaving apparatus claims 33-39 pending. Applicant should confirm the cancelation of method claims 28-32 in his next response.
4. Claims 30-39 are presented for examination.
5. Claims 30-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 30-32 depend from canceled method claim 22. In each of claims 33-39, line 1 the claims each depend ultimately from canceled claim 22. Did applicant intend these claims to depend from apparatus claim 33? Further, in claim 33, line 3 the phrase "a polishing pad overlying the polishing pad" makes no sense in light of the specification. Did applicant intend this passage to read "a polishing pad overlying the polishing platen"?
6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 33-39 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Evans et al(US 5897424). Evans et al disclose a polishing apparatus comprising all of the subject matter set forth in applicant's claims above. Note the embodiment of Figures 4-5 showing a backup platen having a tapered peripheral surface, which causes the upper surface of the polishing pad to be tapered. Note also U-shaped and V-shaped polishing surfaces of Figures 2A and 2B.

8. Claims 33, and 35-36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yu(US 5435772). Yu discloses a polishing apparatus comprising all of the subject matter set forth in applicant's claims above. Note the embodiment of figures 3-4 of Yu which show a peripheral region characterized as "tapered" and "horizontal".

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Osterheld et al is cited of interest to show a polishing pad with grooved channels of U-shaped cross-section. Burke et al, and Allen et al are cited of interest to show polishing pads with grooved peripheral surfaces. Cote et al, Nagabushnam et al, yu et al('598), Breivogel et al, Schultz, Satou, Andideh et al, and Kim et al were cited in parent application SN 09/415364, now US Patent 6376378.

10. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

Application/Control Number: 09/904981

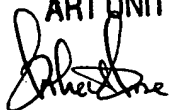
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September 23, 2003.

ROBERT A. ROSE
PRIMARY EXAMINER
ART UNIT 323

A handwritten signature in black ink, appearing to read "Robert A. Rose", is written over the printed name and title.